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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,474	01/30/2001	Chan Ming Yam Terence Conan	CA919990016-US1	1657

7590 08/06/2003

Anne Vachon Dougherty
3173 Cedar Road
Yorktown Heights, NY 10598

EXAMINER

LAU, TUNG S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,474

Applicant(s)

CONAN ET AL.

Examiner

Tung S Lau

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 5-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1, 15, 17, 19, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 18, 20, 21, 22, 23, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brouwer et al. (U.S. Patent 6,279,124) in view of Haley et al. (U.S. Patent 6,154,876).

Regarding claims 1, 15, 17, 19:

Brouwer discloses a system, a computer program, a method for automated testing of software, the system comprising a system server component comprising, a test bucket for storing sets of test data (Col. 1, Lines 53-67), a job receiver process (Col. 1, Lines 53-67), for accepting test requests from a user (Col. 1, Lines 53-67), each test request comprising an identifier for selecting test data from the test bucket (Col. 1, Lines 53-67), a resource process and resource pool for managing system resource data to indicate resources available for software testing on a set of client computer systems (Col. 4, Lines 43-62), a job execution process for creating test execution script data based on the test data identified in a test request (Col. 3, Lines 53-67), wherein the job execution process receives the test request from the job receiver process and receives

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input from the resource (Col. 1-2, Lines 53-15), dynamically creates the test execution script based upon the resource pool indicating the availability of resources required for the execution of the test on one or more of the set of client computer systems, and initiates testing by forwarding the test execution script data to the appropriate one or more of the set of client computer systems (Col. 3, Lines 53-65), and the system server component further comprising a means for accepting and storing test results from the set of client computer systems (Col. 3, Lines 15-41).

Brouwer does not disclose a process indicating resources available for software testing, Haley disclose a process indicating resources available for software testing (Col. 10, Lines 59-38, Col. 26, Lines 3-22), in order to detect programming error in the system (Col. 1, Lines 29-33).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brouwer to have a process indicating resources available for software testing taught by Haley in order to detect programming error in the system (Col. 1, Lines 29-33).

Regarding claims 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 18, 20, 21, 22, 23, 24:

Brouwer discloses a listener and execution process for the execution of the script to generate test report (fig. 3, unit 48), a job queue dispatcher process (Col. 8,

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Lines 25-39), completion testing by the request (Col. 8, Lines 25-39), server database storage (fig. 1, unit 28, 12), use of TCP/IP socket for the test (Col. 3, Lines 23-35), generate test script file for the test (Col. 1-2, Lines 54-14), result store in the server (fig. 1, unit 28, 26), client configuration file pre-testing and post-testing (fig. 1, unit 28, 26), refresh subsystem responsive (fig. 1, unit 20, 22), providing a graphical user interface (Col. 2-3, Lines 66-15), parsing ASCII format (Col. 30-31, Lines 57-8).

b. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brouwer et al. (U.S. Patent 6,279,124) and Haley et al. (U.S. Patent 6,154,876) and further in view of Eric Knorr (PC bible 2nd edition).

The Brouwer and Haley combination disclose a method including the subject matter discussed above except the use of DOS system; Knorr discloses the use of DOS system in order to have an essential set of programs and utilities that enables the computer to run (page 904, 945-951, 953-956, 965-967).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Brouwer and Haley to have the use of DOS system taught by Knorr in order to have an essential set of programs and utilities that enables the computer to run.

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.

The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

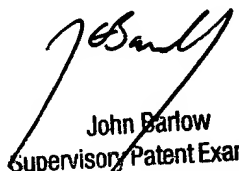
TC2800 RightFAX Telephone Numbers : TC2800 Official Before-Final RightFAX - (703)

872-9318, TC2800 Official After-Final RightFAX - (703) 872-9319

TC2800 Customer Service RightFAX - (703) 872-9317

TL

July 21, 2003


John Barlow
Supervisory Patent Examiner
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